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May 24, 2024

**Via ECF & UPS Overnight Mail**

Honorable Rukhsanah L. Singh, U.S.M.J.  
United States District Court  
District of New Jersey  
Clarkson S. Fisher Fed. Bldg. & U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

**Re: In re: Insulin Pricing Litigation, Notice of Supplemental Authority**  
**Docket No.: 2:23-md-03080-BRM-RLS**  
**MDL No.: 3080**

Dear Judge Singh,

I write on behalf of all Defendants to seek Your Honor's permission to submit a Notice of Supplemental Authority pertaining to Plaintiffs' Brief in Support of Their Proposed ESI Order relating to the hyperlinks issue. (Dkt. 123.) In that brief, in arguing that Defendants "should have to produce the hyperlinked attachment and identify the metadata, including relationship/association, with the email and hyperlinked attachment," Plaintiffs relied on *Calendar Research LLC v. StubHub, Inc.*, No. 17-cv-4062, 2019 WL 1581406 (C.D. Cal. Mar. 14, 2019). (Pls. Br. at 24, n.21, Dkt. 123.) Plaintiffs also relied upon the declaration of Douglas Forrest to support their position. (Dkt. 123-2.)

On May 20, 2024, in the *StubHub* matter, U.S. Magistrate Judge Thomas S. Hixon entered an order finding good cause to **remove** a requirement in the stipulated ESI Order which had required StubHub to produce hyperlinked documents "as if they were attachments to emails." Order re Motion to Modify the ESI Order, Motion to Strike, and Motion for Sanctions at 1, *In re StubHub Refund Litig.*, No. 4:20-md-02951-HSG, Dkt. 278 (N.D. Cal. May 20, 2024). The Court granted StubHub's motion to modify the ESI

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Order, based in part on its evidentiary showing that “the hyperlink requirement is technologically impossible to fulfill most of the time.” *Id.* The Court discounted the declaration of Douglas Forrest submitted by the plaintiff, stating that it “falls short of establishing that the hyperlink requirement in the ESI Order is broadly possible to comply with.” *Id.* at 3. The Court concluded that the “non-existence of commercially available software that can implement the hyperlink requirement tips strongly in StubHub’s favor.” *Id.*

Defendants respectfully submit that the attached supplemental authority will aid in the Court’s resolution of the pending hyperlink dispute in this case.

We thank the Court for its time and attention. Should Your Honor have any questions, we remain available.

Respectfully submitted,

/s/ Melissa A. Geist, Esq.

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cc: All Counsel of Record (via ECF Only)